

Township of Upper St. Clair

THERE WILL BE AN INFORMATIONAL AND GENERAL AFFAIRS MEETING OF THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF UPPER ST. CLAIR AT 7:30 P.M. ON MONDAY APRIL 26, 2021 AT THE COMMUNITY & RECREATION CENTER, 1551 MAYVIEW ROAD, UPPER ST. CLAIR, PA 15241.

AGENDA

1. Call to Order.
2. Roll Call.
3. Citizens' Comments.
4. Presentation Re. Historical Society of Upper St. Clair / Horses with Hope

INFORMATIONAL ITEMS

5. Community Development
 - A. May 3, 2021 Regular Meeting Agenda Items. (Memorandum enclosed)
 1. Old Business:
 - (a.) None.
 2. New Business:
 - (b.) Public Hearing Re. Application for Transfer of Liquor License – First Watch Restaurants, Inc.
 - (c.) Recommendation Re. Allegheny County Hazard Mitigation Plan.
 - (d.) Recommendation Re. Extension of Approval to Permit Recording of Plan with Allegheny County Re. PLC19-0011 – Defender Properties, LLC – 1140 Boyce Road.
 - B. Other.
 - (a.) None.

6. Other Agenda and Discussion Items

A. Discussion Re. Recognitions (Memorandum enclosed)

- National Medical Emergency Medical Services Week – May 16-22, 2021
- Maddie Nolen – Pennsylvania High School Speech League State Tournament
- Upper St. Clair High School Speech & Debate Team
- Upper St. Clair High School Boys Basketball Team
- Four members of the Upper St. Clair High School Girls' Swim Team
- Upper St. Clair High School Boys' Swim Team and Six Swim Team Members

GENERAL AFFAIRS

1. Review of the Informational and General Affairs Meeting Minutes of March 29, 2021. (Minutes enclosed)
2. Consideration of the April 2021 Bill Sheet. (Bill Sheet sent electronically 4/23/21)
3. Acknowledge Receipt of Financial Statements for Three-Month Period ending March 31, 2021. (Financial Statements sent electronically 4/23/21)
4. Adjournment.

MEMORANDUM

To: Matthew R. Serakowski, Township Manager

From: Adam A. Benigni, AICP, Director of Planning and Community Development 

Date: April 23, 2021

**Subject: COMMUNITY DEVELOPMENT DEPARTMENT INFORMATIONAL ITEMS
FOR THE INFORMATIONAL AND GENERAL AFFAIRS MEETING OF
APRIL 26, 2021**

A. MAY 3, 2021 - REGULAR MEETING AGENDA ITEMS

Old Business

None.

New Business

1. PUBLIC HEARING RE. APPLICATION FOR TRANSFER OF LIQUOR LICENSE – FIRST WATCH RESTAURANTS, INC.

This is the initial public hearing on the application filed by First Watch Restaurants, Inc. for the transfer of liquor license R-12276 from the First Watch restaurant at 207 Bettis Road, West Mifflin, PA 15122 into the Township of Upper St. Clair to the First Watch restaurant at 100 Siena Drive, Suite 190, Upper St. Clair, PA 15241. Provided no additional testimony is required, staff will recommend that the hearing be closed and action taken. Staff will prepare a Resolution authorizing the transfer will be prepared for consideration by the Board on May 3, 2021.

2. RECOMMENDATION RE. ALLEGHENY COUNTY HAZARD MITIGATION PLAN

The Allegheny County Department of Emergency Services has been accumulating data and community input through various meetings to update the county-wide Hazard Mitigation Plan (HMP). FEMA has notified Allegheny County that the HMP is Approved – Pending Adoption. Formal approval by the Board of Commissioners is necessary to be eligible for future aid from state and federal agencies in the event of a disaster. In addition, the Township's adoption of the plan assists with our Community Rating System (CRS) rating for the National Flood Insurance Program. Staff will prepare a Resolution for consideration by the Board on May 3, 2021.

TO: Matthew R. Serakowski, Township Manager
FROM: Adam Benigni, Director of Planning & Community Development
DATE: April 23, 2021
**IN RE: COMMUNITY DEVELOPMENT DEPARTMENT INFORMATIONAL
ITEMS FOR THE INFORMATIONAL AND GENERAL AFFAIRS
MEETING OF APRIL 26, 2021 2.**

**3. RECOMMENDATION RE. EXTENSION OF APPROVAL TO PERMIT
RECORDING OF PLAN WITH ALLEGHENY COUNTY RE. PLC19-0011 –
DEFENDER PROPERTIES, LLC – 1140 BOYCE ROAD**

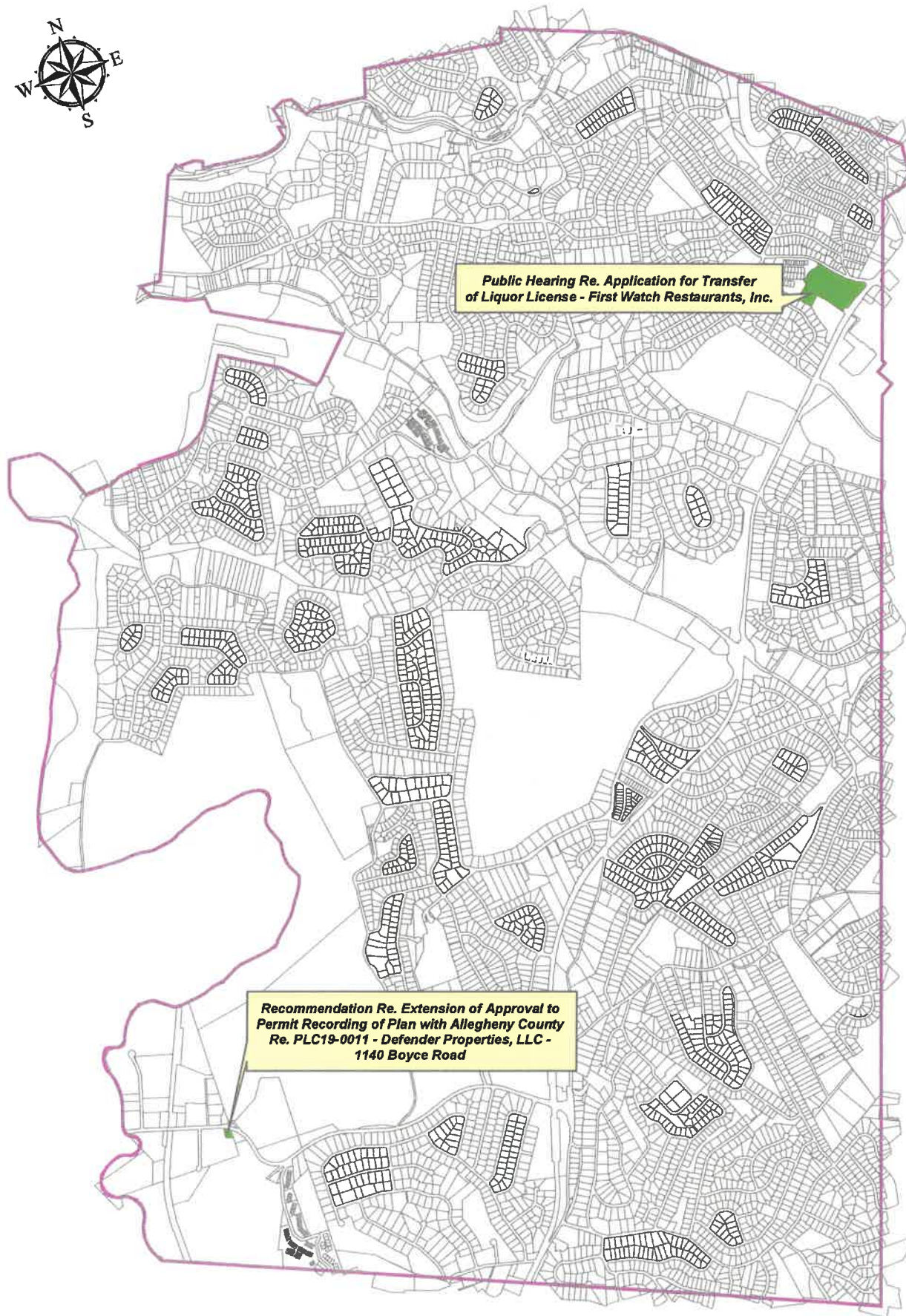
Section 513 of the Pennsylvania Municipalities Planning Code requires that a Final Plan must be recorded in the office of the recorder of deeds in Allegheny County within 90 days of final approval or 90 days after the date of delivery of an approved plat signed by the governing body, following completion of conditions imposed for such approval, whichever is later. The Defender Properties plan was released to the property owner after approval of the Township to allow the conversion of an existing home into office space located in the SB – Special Business District at 1140 Boyce Road. The plan was not recorded with the Allegheny County Department of Real Estate within statutory timeframe. The property owner has requested that an extension be granted to record the plan. Staff will prepare a Bill for consideration by the Board on May 3, 2021.

B. OTHER

None.

Attachment

1. Map of locations of Community Development Department agenda items for the meetings of April 26, 2021 and May 3, 2021



MEMORANDUM

To: Board of Commissioners
From: Matthew R. Serakowski, Township Manager
Date: April 23, 2021
Subject: **DISCUSSION RE. RECOGNITIONS**

Staff will prepare the appropriate Proclamations and Certificates of Achievement to be presented at the May 3, 2021 Regular Meeting of the Board recognizing:

- May 16-22, 2021 as National Emergency Medical Services Week in Upper St. Clair. (*Proclamation*)
- Maddie Nolen, a student at USC High School, for her win at the Pennsylvania High School Speech League (PHSSL) State Tournament in the Humorous Interpretation category. (*Proclamation*)
- Upper St. Clair High School Speech & Debate Team for placing first in the Sweepstakes Championship at the Pennsylvania High School Speech League (PHSSL) State Tournament. (*Certificate of Achievement*)
- Upper St. Clair High School Boys Basketball Team for their win at the Western Pennsylvania Interscholastic Athletic League (WPIAL) Championships. (*Certificate of Achievement*)
- The following members of the Upper St. Clair High School Girls' Swim Team for their 1st place wins at the Western Pennsylvania Interscholastic Athletic League (WPIAL) Championships (*Certificates of Achievement*):
 - Taylor Connors
 - Abby Rutkowski
 - Kaitlyn Connors
 - Amanda Aidar
- The Upper St. Clair High School Boys' Swim Team for their 1st place win overall at WPIAL (*Certificate of Achievement*) and the following team members for their individual wins at WPIAL and the Pennsylvania Interscholastic Athletic Association (PIAA) Championships:
 - Josh Matheny (*Proclamation*)
 - Ganesh Sivaramakrishnan (*Proclamation*)
 - Jason Zhang (*Proclamation*)
 - Ryan Senchyshak (*Proclamation*)
 - Daniel Wang (*Certificate of Achievement*)
 - Ethan Neal (*Certificate of Achievement*)

/pec
discussionrecognitions4.26.21



**BOARD OF COMMISSIONERS INFORMATIONAL
AND GENERAL AFFAIRS MEETING MINUTES**

March 29, 2021

The Informational and General Affairs Meeting of the Board of Commissioners of the Township of Upper St. Clair, duly advertised and posted in accordance with law, was called to order at approximately 7:30 PM, Monday, March 29, 2021, in the Community & Recreation Center, 1551 Mayview Road, Pittsburgh, PA 15241.

PRESENT:	Commissioner Paoly	Vice President
	Commissioner Enck	
	Commissioner Orchowski	
	Commissioner Pardini	
	Commissioner Plutko	
	Matthew R. Serakowski	Township Manager
	Mark S. Mansfield	Assistant Township Manager
	Mark P. Romito	Director of Finance
	Adam A. Benigni	Director of Planning & Community Development
	Irving S. Firman	Township Attorney
	Jennifer Slagle, P.E.	Township Engineer
	Laura Long	Recording Secretary

EXCUSED: Commissioner Christie President

PUBLIC: Approximately 10 people attended.

ANNOUNCEMENTS

Commissioner Paoly announced that Commissioner Christie's absence is excused due to family matters and that the Board met in Executive Session earlier this evening to discuss legal and personnel matters.

CITIZENS' COMMENTS

Mr. John Despines, 2424 Willowbrooke Road, stated that he has lived in the Township for 21 years. He discussed past tree planting and recycling initiatives that he successfully pitched and helped organize with the Township in the early 2000s. He also shared his experience in 2008 with influencing the creation of an ordinance regarding Electronic Waste that set the standard for neighboring communities and the state of Pennsylvania. He stated that both Commissioner Orchowski and Assistant Township Manager, Mark Mansfield, were a part of the Board and Township Staff throughout these milestones, and while they may not have always been in agreement with his ideas, he has respect for their length of service with the Township.

Mr. Despines went on to discuss his current concern relating to frequent noise disturbances caused by a dirt bike in his neighborhood. He noted the steps he took in contacting Township Staff and

appearing in front of the Board at a meeting in November to address his concerns and to propose that a new ordinance be created. At that time, the Board and Township Manager, Matt Serakowski, raised the following points:

- It was suggested that Mr. Despines communicate his concerns with his neighbor directly as a first step in resolving this matter.
- A similar complaint was raised in years past in another neighborhood, and at the time the Board was not interested in pursuing a new ordinance as they were hesitant to regulate what happens on private property. The matter eventually resolved through increased notification and communication with the Police Department.
- While the Board empathized with Mr. Despines' concerns, they expressed hesitation with creating a new ordinance regarding the noise disturbance of dirt bikes due to the similar nature of noises created by lawn maintenance equipment in the Fall such as leaf blowers, yard shredders and lawn mowers. It may be difficult to draw the line to determine what is acceptable and not.
- It was suggested that Mr. Despines and his neighbors reach out to the police any time the noise becomes an issue so that they may engage the neighbor regarding the dirt bike in an effort to resolve.

In response to Mr. Despines' request for a civil discourse with the Board, Commissioner Paoly thanked him for his comments and mentioned that the Board reviewed the files that Mr. Despines submitted with videos of the dirt bike riding in his neighborhood. He indicated that he would like to be updated on the outcome of planned meetings between the Police Department and the dirt bike owner prior to taking potential action and asked the Board if there were any additional questions.

Commissioner Orchowski thanked Mr. Despines for his presentation and stated that he respects the recycling efforts that Mr. Despines has done within the Township. He noted that he supports the nuisance considerations of the proposed ordinance and indicated that it would need to be carefully crafted due to the consideration of the private property rights of individual home owners. He stated that the Township Attorney and Township Manager would need to weigh in on the legal aspects.

In response to Commissioner Enck's inquiry, Mr. Despines shared that he would not be comfortable confronting his neighbor directly and would prefer to continue to contact the Police Department when the nuisance occurs.

In response to Commissioner Pardini's inquiry, Mr. Despines shared the talking points for suggested language that he created when he proposed the new ordinance at the November meeting and stated that he would hope legal counsel could draft the ordinance.

Commissioner Paoly thanked Mr. Despines for sharing his comments and asked if there were any additional public comments.

Mr. Steve Olds, 281 Lincoln Drive, stated that he has been attending meetings for the past few months and asked if there would be a way to access all of the Agenda materials that the Board reviews ahead of the meeting. Commissioner Paoly verified with Mr. Serakowski that the Agenda is posted online the Friday before Board meetings and that the additional memo attachments are posted to the Public in the Community Log located in the Township Library.

In response to Commissioner Orchowski's inquiry, Commissioner Paoly asked Mr. Serakowski to look into the possibility of posting all of the memo attachments online ahead of time in addition to the agenda. Commissioner Orchowski stated that since the information is public, he would like the Board to review this further at a future meeting once Staff has had the ability to work through the request.

Commissioner Paoly asked if there were any additional comments from the Public and there were none.

INFORMATIONAL ITEMS

COMMUNITY DEVELOPMENT – OLD BUSINESS

Recommendation Re. PLC16-0008 – Tuscany Pointe PRD – Final Approval – Extension Request.

Mr. Benigni stated that Jeffrey W. Thomas, developer of Tuscany Pointe, has submitted a request for a two-year extension of the approval granted by the Board of Commissioners on November 7, 2016 by Ordinance No. 2154. It is anticipated that the Board of Commissioners will take action on this request at the Regular Meeting on April 5, 2021.

Commissioner Paoly asked if there were any additional comments from the Board and there were none.

COMMUNITY DEVELOPMENT – NEW BUSINESS

None.

OTHER AGENDA AND DISCUSSION ITEMS

Discussion Re. Recognitions

Commissioner Paoly shared that the Board will be recognizing National Library Week in Upper St. Clair, April 4-10, 2021 and Phoebe Chen, selected as a flutist to the National Association of Music Education's All-National Concert Band, at the Regular Meeting of the Board on Monday, April 4, 2021.

In response to his request for volunteers to present the Proclamations, Commissioner Christie was nominated to present the National Library Week Proclamation and Commissioner Plutko volunteered to recognize Phoebe Chen.

Commissioner Paoly asked if there were any additional comments from the Board and there were none.

Discussion Re. Resolution Opposing the Tolling of Interstate 79 at the Bridgeville Interchange.

Mr. Serkowski stated on February 19, 2021, PennDOT announced their intentions to proceed with improvements for the Bridgeville Interchange along Interstate 79 through their new Public-Private Partnership – P3 Initiative (P3).

A major component of the P3 Initiative includes bridge tolling as a means to provide the funds to repair or replace infrastructure without using PennDOT's current funding sources. Tolling would be

entirely electronic and collected by using E-ZPass or license plate billing. The funds received from the toll would go back to the bridge where the toll is collected to pay for the construction, maintenance, and operation of that bridge.

As a result of recent and ongoing discussions with regional leaders and representatives from Bridgeville, Collier and South Fayette, there is agreement that tolling of the Bridgeville Interchange would negatively impact our region and the Route 50 corridor. This includes exacerbating current traffic congestion, impacting pedestrian safety, degradation of local roadways, negative impact on regional development along with environmental impacts with the onset of additional traffic through the region. Most importantly the Commonwealth of PA already boasts one of the highest gasoline taxes in the nation which is to be utilized for funding highway infrastructure projects.

The Staff recommends the Board of Commissioners adopt Resolution No 1699 at the April 5, 2021 Regular Meeting of the Board of Commissioners.

In response to Commissioner Paoly's inquiry, Mr. Serakowski confirmed that the wording of this Resolution will be similar to the Resolutions of the Township's neighboring communities.

Commissioner Paoly asked if there were any additional comments from the Board and there were none.

Discussion Re. Proposal to Study Enhancements at the Morton Fields Complex.

Mr. Serkowski stated that following several years of discussion and a pandemic delay, the Staff is prepared to move forward with the proposal to review the Morton Fields Complex Study. The study would create an opportunity to reinvest in this major Township asset consisting of 7.5 acres of land with 3 soccer fields, 2 lighted baseball fields, 2 batting cages, a concession building, a shelter, a storage building, and other amenities.

The proposal has been enclosed for the Board and additional work from this vendor can be found on their website. It is recommended this study, tasks, public process and development of recommendations be assigned to the Parks and Recreation Advisory Board. The Parks and Recreation Advisory Board may then provide a recommendation back to the Board of Commissioners for final consideration and action.

Funding for anticipated improvements will come from several sources including the 2021 Bond issue and a number of grants. Funding for the master plan study has been included in the 2021 Budget.

The Staff will be prepared to recommend the Board approve the proposal with Pashek*MTR at the Regular Meeting on April 5, 2021.

Conversation between Commissioner Orchowski and Mr. Serakowski ensued regarding the following topics:

- How Pashek*MTR was selected for this study and the work they have previously done for the Recreation Department
- Requesting a detailed cost breakdown for the Board to review

- Commissioner Orchowski's success with past experiences of conducting needs assessments and the recommendation to conduct a current needs assessment for this task
- Determining which group of individuals, the Parks and Recreation Advisory Board or the Parks and Recreation Committee of the Board of Commissioners, would be best suited to oversee the study, tasks, public process and development of recommendations

Commissioner Paoly asked if there were any additional comments from the Board and there were none.

Discussion Re. Approval of Contracts

Mr. Mansfield reviewed the following contracts for the Board's approval in accordance with the Township Code:

McChesney Lueck Roofing, LLC McKees Rocks, PA	Public Works Building Roof Replacement	\$117,400.00
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Industrial Commercial Elevator	Administration Building Elevator Modernization/Rebuild (Located in the Library)	\$ 69,500.00
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The elevator that services the Library in the Township's administration building is an original piece of equipment from the "Project 2000" renovation in the mid-1980s. It is now in need of a modernization and rebuilding.

Staff received three (3) proposals for the elevator modernization/rebuilding with Industrial Commercial Elevator being the best responsible bidder. Staff is therefore seeking approval to enter into a contract with Industrial Commercial Elevator for \$69,500.00.

The elevator modernization will include, but is not limited to: non-proprietary controllers; motor, pump, power unit upgrades; new wiring; new car hoist; new toe guards; renovate channel and buffers; new switches; door upgrades; door safety upgrades; and, compartment interior. This project will require the elevator to be shut down for two to four weeks.

Work was planned for 2020; however, it was delayed due to the pandemic response. The elevator project restart was reviewed with Mark Edelmann, Township Architect on the Municipal Building Phase #5 "Next Generation" project, and he has recommended the Township proceed with the elevator improvements. The funding for this project is allocated in the 2021 Capital Projects Fund for Municipal Building Improvements.

Staff will recommend that the proper Township Officials be authorized to enter into a contract with Industrial Commercial Elevator at the April 5, 2021 Regular Meeting of the Board.

Conversation ensued between the Commissioners and Mr. Mansfield regarding the Administration Building Elevator Modernization/Rebuild and questions were raised regarding security features, help desk features, and access issues during installation.

Mr. Mansfield stated that he would bring their questions to the vendor and Staff and would report back the following week.

Mr. Mansfield moved on to discuss the contract for the Public Works building roof replacement and stated the current 25-year-old roof of the Public Works building is constructed of rubber sheeting and is very near end life. The building itself was constructed over 47 years ago.

Staff received three (3) proposals for the Public Works roof replacement with McChesney Lueck Roofing, LLC being the best responsible bidder. Staff is therefore seeking approval to enter into a contract with McChesney Lueck Roofing, LLC to replace the roof under the PA COSTARS government Contract #008-533 for \$117,400.00, which includes the cost of replacement and labor. The proposed replacement roofing is a Carlisle Syntec Rubber membrane material with a fleece backing, which will be installed over the existing membrane.

Work on the Public Works roof replacement was delayed in 2020 due to the pandemic response. The funding for this project is allocated in the 2021 Capital Projects Fund for Public Works Building Improvements.

Staff will recommend that the proper Township Officials be authorized to enter into a contract with McChesney Lueck Roofing, LLC at the April 5, 2021 Regular Meeting of the Board.

In response to Commissioner Plutko's inquiry, Mr. Mansfield stated that the application installing the Carlisle Syntec Rubber membrane material with fleece backing over the existing membrane is a common practice.

Commissioner Paoly asked if there were any additional comments from the Board and there were none.

Discussion Re. Approval for a Formal Grant Application through the Redevelopment Assistance Capital Program for the Upper St. Clair Township Library – Next Generation Library Improvement Project.

Mr. Mansfield stated the Township applied back in August of 2020 for a grant through the Redevelopment Assistance Capital Program (RACP) for the Upper St. Clair Township Library – Next Generation Library Improvement Project.

The Township was advised that the project is eligible to receive funding in the amount of \$250,000. In order to be awarded this funding, the Township must now complete a formal application and business plan.

Staff will prepare the appropriate Resolution for the April 5, 2021 Regular Meeting of the Board to authorize Mark S. Mansfield, Assistant Township Manager, to file all applications, documents, and forms between the Township of Upper St. Clair and RACP.

Staff will recommend that the Resolution be adopted at the April 5, 2021 Regular Meeting of the Board.

In response to Commissioner Pardini's inquiry, Mr. Mansfield stated that the Library portion of this project is roughly \$2.7 million and that the Township previously received the keystone grant in the amount of \$750,000 and is currently seeking the RACP grant in the amount of \$250,000.

Commissioner Paoly asked if there were any additional comments from the Board and there were none.

Discussion Re. Approval for a Formal Grant Application through the Department of Conservation of Natural Resources Community Conservation Program for the Morton Complex/Community Gardens Connection – Phase IIB Perimeter Trail Project in Boyce Mayview Park.

Mr. Mansfield stated The Township desires to apply for grant funding through the Department of Conservation and Natural Resources (DCNR) Community Conservation Program, in the amount of \$50,000 for the Morton Complex/Community Gardens Connection – Phase IIB Perimeter Trail project.

Staff will prepare the appropriate Resolution for the April 5, 2021 Regular Board Meeting to authorize Mark S. Mansfield, Assistant Township Manager, to file all applications, documents, and forms between the Township of Upper St. Clair and DCNR.

Staff will recommend that the Resolution be adopted at the April 5, 2021 Regular Meeting of the Board.

Commissioner Paoly asked if there were any comments from the Board and there were none.

Discussion Re. Approval for a Formal Grant Application through the Department of Community and Economic Development for the Morton Complex/Community Gardens Connection – Phase IIB Perimeter Trail Project in Boyce Mayview Park.

Mr. Mansfield stated The Township desires to apply for grant funding through the Department of Community and Economic Development (DCED) in the amount of \$125,000 for the Morton Complex/Community Gardens Connection – Phase IIB Perimeter Trail project.

Staff will prepare the appropriate Resolution for the April 5, 2021 Regular Board Meeting to authorize Mark S. Mansfield, Assistant Township Manager, to file all applications, documents, and forms between the Township of Upper St. Clair and DCED

Staff will recommend that the Resolution be adopted at the April 5, 2021 Regular Meeting of the Board.

Commissioner Paoly asked if there were any comments from the Board and there were none.

GENERAL AFFAIRS

Appointment of At-Large Commissioner for the Remainder of 2021.

Commissioner Paoly stated that in order to proceed with the recommendation on the appointment of the At-Large Commissioner position to fill the remainder of 2021, it will first be necessary for the Board to suspend a provision of the Township Code, Chapter 19, “Board of Commissioners”, to permit formal action this evening.

Section 19.6.2 of the Township Code, sets forth that action by the Board at Informational and General Affairs meetings shall be limited to routine non-legislative matters. The section further provides the Board may suspend this requirement, by motion and majority vote.

Per Section C-311 of the Home Rule Charter the Board has 30 days after a vacancy occurs to fill the unexpired term. The deadline is Thursday, April 1, 2021.

It is therefore recommended that the Board take action to suspend Section 19.6.2 of the Township Code for purposes of filling Board vacancy for the remainder of 2021. This may be accomplished by a simple motion and roll call vote.

MOTION AND VOTE TO SUSPEND A PROVISION IN THE TOWNSHIP CODE, SECTION 19.6.2, WHICH LIMITS THE BOARD'S ABILITY TO PROCEED WITH BUSINESS OTHER THAN ROUTINE ACTIONS AT A MEETING OTHER THAN THE REGULAR MEETING

Commissioner Plutko moved to suspend a provision in the Township Code, Section 19.6.2 which limits the Board's ability to proceed with business other than routine actions at a meeting other than the Regular meeting. Commissioner Enck seconded the motion and it was approved by a 5-0 roll call vote.

Commissioner Paoly thanked the five (5) candidates who interviewed the week prior along with his fellow Commissioners for the work they each put in throughout the week to independently make this decision. He reminded that this appointment would only run through the remainder of this year. The position will be on the ballot for the remaining two (2) years of the term in accordance with State election laws.

MOTION AND VOTE TO APPOINT AN AT-LARGE COMMISSIONER FOR THE REMAINDER OF 2021 (THROUGH DECEMBER 31, 2021)

Commissioner Paoly asked the Board if there is a motion to appoint an At-Large Commissioner for the remainder of 2021. Commissioner Orchowski stated that he would like to nominate Ms. Ruthann Omer. Commissioner Paoly asked if any Board members would like to second this motion and there were none.

Commissioner Orchowski then stated that he would like to nominate Mr. Richard Thomas. Commissioner Paoly asked if any Board members would like to second this motion and there were none.

In response to Commissioner Paoly's inquiry, Mr. Firman stated that the Board needs to appoint an individual to the position of At-Large Commissioner and the standard is that person must be a resident of the Township for more than a year.

Commissioner Plutko then nominated Mr. Todd Burlingame, stating that Mr. Burlingame has been a volunteer in the community for many years. This was seconded by Commissioner Enck.

Commissioner Orchowski asked to discuss this unique situation prior to the roll call vote and asked if the Board may have an opportunity to interview Mr. Burlingame prior to voting on this appointment. He noted that while he had the opportunity to interview Mr. Burlingame for the Planning Commission 10 years ago, he would like the Board to have a chance to discuss the At-Large position with him further.

Commissioner Paoly stated that due to the timing, there would not be an opportunity to arrange a publicly advertised meeting to interview Mr. Burlingame prior to the deadline of April 1, 2021 and asked for a roll call vote of the Board. This was adopted by a 5-0 roll call vote, Commissioner Pardini voted present.¹

Recommendation Re. Establish Public Hearing Re. Application for Transfer of Liquor License – First Watch Restaurants, Inc.

Mr. Benigni stated that First Watch Restaurants, Inc. has requested the transfer of Liquor License R-12276 from First Watch Restaurants, Inc. located at 207 Bettis Road, West Mifflin, PA, 15122 to First Watch Restaurants, Inc. located at 100 Siena Drive, Suite 190, Upper St. Clair, PA, 15241. The Commonwealth of Pennsylvania requires local municipalities to hold a public hearing on the transfer of liquor licenses.

Staff recommends that the public hearing be scheduled for Monday, May 3, 2021. This may be accomplished by a simple motion and voice vote.

Commissioner Plutko moved to set the public hearing for Monday, May 3, 2021. This was seconded by Commissioner Enck and carried with a 5-0 voice vote.

Review of the Informational and General Affairs Meeting Minutes of February 22, 2021

Commissioner Orchowski moved to approve the Informational and General Affairs Meeting Minutes of February 22, 2021. This was seconded by Commissioner Plutko and carried with a 5-0 voice vote.

Consideration of the March 2021 Bill Sheet.

Commissioner Enck stated that the Bill Sheet was reviewed and moved for approval of the March 2021 Bill Sheet, which was seconded by Commissioner Pardini and approved with a 5-0 voice vote.

Acknowledge Receipt of Financial Statements for the Two-Month Period ending February 28, 2021.

Commissioner Enck shared that she reviewed the financial statements and asked Mr. Romito to share additional comments. Mr. Romito provided a brief update and stated that revenues and expenses are performing as expected through last month. He also pointed out that this month's report includes a year-end update from 2020.

Commissioner Paoly asked if there were any comments from the Board and there were none.

ADDITIONAL COMMENTS

Commissioner Orchowski and Commissioner Paoly acknowledged the Boy Scouts for attending tonight's meeting, and commended them on working towards their citizenship merit badges.

¹ Pursuant to Chapter 19.8.2. of the Code of the Township of Upper St. Clair, the roll call of members shall be called alphabetically, except that the presiding officer shall be called last. All final action in adopting ordinances or resolutions shall be by roll call vote, and the vote of each Commissioner shall be entered in the minutes of the meeting. An abstention by a member who is present at a meeting shall be considered an affirmative vote unless the member has disqualified himself from consideration of the action before discussion or vote, stating his reasons therefor.

Commissioner Paoly asked if there were any additional comments from the Board and there were none.

ADJOURNMENT

Commissioner Enck moved to adjourn the Informational & General Affairs Meeting, which was seconded by Commissioner Plutko. This was approved by a 5-0 voice vote and the meeting was adjourned at approximately 8:33PM.

Laura Long
Recording Secretary
March 29, 2021

LITIGATION REPORT - SUMMARY
TOWNSHIP OF UPPER ST. CLAIR
March 25, 2021

I. CASES WHERE TOWNSHIP IS PLAINTIFF

- A. Township of Upper St. Clair v. James Hawk - No. CV-109-2017) (Allegheny County)
- B. Township of Upper St. Clair v. Rene Marasco, No. CV-114-2020 (Magistrate Arnoni).
- C. Township of Upper St. Clair v. Barbara Jean Depp Family Trust (No. CV-192-2020) (Magistrate Arnoni).
- D. Township of Upper St. Clair v. Path Generations, LLC (No. CV-222-2020) (Magistrate Arnoni).
- E. Township of Upper St. Clair v. South Hills Village Associates L.P. (No Docket Number) (Magistrate Arnoni).

II. CASES WHERE TOWNSHIP IS DEFENDANT NOT DEFENDED BY INSURANCE CARRIER

NONE.

III. CASES WHERE UPPER ST. CLAIR IS DEFENDANT AND INSURANCE COMPANY IS DEFENDING

- A. Estate of Wendy Abbott vs. Bloomin' Brands Inc. et al., GD 20-6398 (Allegheny County).
- B. Zatta Martin LLC vs. Upper St. Clair Township and Bridgeville Borough, GD 20-6870 (Allegheny County).
- C. Jeffrey S. Valperga ey ux. vs. The Municipal Authority of the Township of Upper St. Clair, Township of Upper St. Clair, and Municipality of Bethel Park, GD 20-9879 (Allegheny County).

IV. OTHER LITIGATION INCLUDING BANKRUPTCY MATTERS

V. LAND USE

M & D Properties - Land Use Appeal, SA 20-469 (Allegheny County).

VI. OTHER LEGAL MATTERS

- A. Redinger v. Allegheny County Health Department
- B. United States Environmental Protection Agency Action Pursuant To 33 U.S.C. §138
- C. Township of Upper St. Clair V. Sujilida, S.A. No. 19-000168
- D. M & D Properties Board of Viewers, No. Gd20-10982
- E. HUD Fair Housing Complaint